



# MINUTES

Bob Roos  
Bruce Gibson  
Penny Rappa  
Eugene Mehlschau  
Sarah Christie

## San Luis Obispo County Planning Commission

**MEETING DATE:** THURSDAY, AUGUST 11, 2005

**MEETING LOCATION AND SCHEDULE**

Regular Planning Commission meetings are held in the (new) Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:	8:45 a.m.
Morning Recess:	10:00 - 10:15 a.m.
Noon Recess:	12:00 - 1:30 p.m.
Afternoon Recess:	3:00 - 3:15 p.m.

*ALL HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.*

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**PRESENT:** Commissioners Sarah Christie, Bruce Gibson, Eugene Mehlschau, Penny Rappa,  
Chairman Bob Roos

**ABSENT:** None

**STAFF**

**PRESENT:** Pat Beck, Assistant Director  
Warren Hoag, Principal Planner/Current Planning  
John Euphrat, Principal Planner/Long Range Planning  
Matt Janssen, Supervising Planner, Coastal  
John Hofschroer, Planner/Long Range Planning  
Martha Neder, Planner, Cambria & Heritage Ranch  
Mike Wulkan, Planner/Current Planning/Coastal

H-2

Brian Pedrotti, Planner/Current Planning/South County

OTHERS

PRESENT: Tim McNulty, County Counsel  
Richard Marshall, Public Works

The meeting is called to order by Chairman Roos.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of August 11, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
PUBLIC COMMENT	No one coming forward
PLANNING STAFF UPDATE	
John Euphrat, staff	Comments on late night on 8/10/05 for the special meeting of the Planning Commission, and commends the commissioners for their stamina in returning. Discusses administrative move to new offices.
Chairman Roos	Requests clarification regarding upcoming agendas and the timelines.
John Euphrat, staff	Comments on Cambria/San Simeon, North Coast update.
Warren Hoag, staff	Discusses a tentative schedule for upcoming items, and a retreat, in which some study session items could be discussed.
CONSENT AGENDA	
MOTION	Thereafter, on motion by Commissioner Rappa, seconded by Commissioner Mehlschau, and carried, the Consent Agenda is approved as follows:  a. <b>TRACT 2475 (S010324Q)</b> Request from <b>Michael English/ Dan Stewart and Associates</b> for a <b>1<sup>st</sup> time extension</b> for Vesting Tentative Tract Map 2475 to subdivide an 11.5 acre industrial site consisting of three parcels into twenty parcels ranging in size from 0.24 acres to 0.88 acres for the sale and/or development of each lot. The project is located east of Highway 101, off Marquita Avenue in Templeton. The project is also located in the Salinas River Planning

	<p>Area, in the Industrial Land Use Category. APN: 040-141-033. Supervisorial District 1.</p> <p><b>b. TRACT 2494 (S020025U) Request from Jay Weatherford/Westland Engineering for a 1<sup>st</sup> time extension</b> for Vesting Tentative Tract Map 2494, a cluster subdivision of an existing 4.73 acre parcel into 16 parcels of ranging in size from 4,000 to 6,498 square feet each with two open space parcels of 0.22 and 1.85 acres each. The project is located at 783 West Tefft Street, Nipomo in the South County planning area in the Residential Single Family Land Use Category. APN:092-130-008. Supervisorial District 4.</p>
1. County of San Luis Obispo / North Coast Area Plan	<p>This being the time set for a continued hearing to consider a request by the <b>County of San Luis Obispo to 1)</b> update and amend the Cambria and San Simeon Acres community plan portions of the <b>North Coast Area Plan</b> (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and planning area standards; <b>2)</b> amend the <b>Cambria Design Plan</b> by a) revising and moving development standards to the area plan; and b) modifying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and <b>3)</b> amend the <b>Coastal Zone Land Use Ordinance</b>, Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. <b>County File No. LRP2004-00024.</b> Supervisorial District 2. Martha Neder, Project Manager.</p>
Martha Neder, staff	Introduces Chapter 6.
David Johnson	<p>Cites concerns regarding water sources. States citizens are uninformed. Addresses comment made by Commissioner Christie regarding prices of lots being paid after water list was closed. Questions building permit and plans</p>

Chairman Roos	Addresses staff regarding Mr. Johnson's comments.
John Hoffschoer, staff	Clarifies discussion regarding build out. Cites Chapter 7 when further discussion on this topic will continue. Discusses "Open Space" district, and plan changing densities.
Commissioners and staff	Discuss calculations in build out numbers, density control, lot retirement concepts, and TDC programs.
Martha Neder, staff	Introduces Chapter 6 and indicates proposed changes. Discusses maps. Addresses questions regarding surveys.
Commissioner Christie	Requests clarification regarding existing marine habitats, or any riparian designations on Map 1 of 2 in Chapter 7.
Martha Neder, staff	States there are no marine habitats. States these are the maps of combining designations that have changed.
PUBLIC COMMENT	
Joy Fitzhugh	Proposes an addition to "Regional Park Needs" paragraph. Page 6-11 has concerns with number 5 "Documentation of Historic Use".
Wayne Rybury	North Coast Alliance. Comments on page 6-14, number 14. States concerns, and Page 6-13, number 10 encourages surplus county owned retirement.
Richard Hawley	Comments on page 6-7, number 12. States the verbiage would not be appropriate because the "Red House" has been removed. Addresses Santa Rosa Creek as a corridor for marine habitat.
Bob Gressens, Cambria Community Services District (CCSD)	President. Comments on page 6-9, and map 8.
Chairman Roos	States the maps will be discussed in Chapter 7.
Martha Neder, staff	States she would like to discuss San Simeon and combining designation changes. States the SRA is proposed to be removed from the map.
Commissioners and staff	Discuss San Simeon map regarding habitats, SRA's, and riparian areas.
Richard Holly	Discusses SRA and discusses concerns regarding sensitive prairie grass.
Commissioner Gibson	Comments on Page 6-2, number 2. Would like the north coast creeks brought together. Requests clarification regarding ESHA SRA with staff responding. Comments on Page 6-3, number 5 be brought to page 6-2 and combined with number 2.

Commissioner Christie	Page 6-2, number 4, add word "forest". Comments on page 6-3 with proposed language regarding Pine Pitch Canker.
Commissioners and staff	Discuss Page 6-6, historic designations, and documentation of historic use. Language addition to page 6-19.
Commissioner Christie	Requests clarification as to why there is no "scenic" combined designation listed, and proposes to create one on Page 6-2 for Highway 1.
Commissioners and staff	Discuss scenic SRA's regarding Highway 1. Proposed addition of new scenic combining designation.
John Euphrat, staff, and Commissioners	Clarifies that Chapter 7 has detailed standards by which to follow rather than creating new combining designation.
Commissioner Mehlschau, and staff	States Farm Bureau would like an addition to Page 6-9, number 3. Add language to the end of Number 3. Discuss regional parks and needs in Cambria.
Commissioner Gibson	Page 6-10, number 1 suggests language be changed. Staff responds that these are intended to be comments and does not feel these proposed changes would be a problem.
Commissioners and County counsel, and staff	Discuss page 6-11, Consensus met on combining 6-11 Number 5 into Number 4.
Commissioner Gibson	Proposes language change for page 6-13, number 10. last sentence, change "sold" to "transferred". Consensus is met.
John Hofschroer, staff	Clarifies county assets and discusses the proposal of options brought forth by Commissioner Gibson.
Commissioners, County Counsel, and staff	Discuss Page 6-14, number 13, fee of \$400.00 on second paragraph. Page 6-15, number 14 suggests language to construction build out be added. Clarification requested on Page 6-17, number 17 regarding creek enhancements, B. 1. "Restoration of year around flow". "Conservation of water shed" to be added to Page 6-17, number 17. B. Discuss 6-19 Table 6-1, number 3.
<b>MOTION</b>	Thereafter on motion of Commissioner Rappa, seconded by Commissioner Gibson, and unanimously carried to recommend to the Board of Supervisors adoption of Chapter 6 as agreed upon with noted changes and additions.
Staff and Commissioners	Discuss combining designation on maps in Chapter 7 of the Cambria/San Simeon North Coast Area Plan.
Martha Neder.	Discusses further changes that are forthcoming based on comments

staff	received by the public regarding Chapter 7.
2. MARK AND SALLY DIMAGGIO / County File No.: None. APN: 013-151-041.	This being the time set for hearing to consider an appeal by <b>MARK AND SALLY DIMAGGIO</b> of a Planning Director Determination (Coastal Zone) that the keeping of three horses and the construction of associated structures within a Sensitive Resource Area –Terrestrial Habitat for the Cambria pine forest requires approval of a Minor Use Permit in accordance with Coastal Zone Land Use Ordinance Section 23.08.046c(1). The site is located within the Residential Suburban land use category and is located on the east side of the intersection of Burton Drive and Village Lane in the community of Cambria, in the North Coast Planning Area. An environmental determination is not required. <b>County File No.: None.</b> APN: 013-151-041. Supervisorial District: 2. Mike Wulkan, Project Manager
Mike Wulkan, staff	Presents staff report, and issues requiring a Minor Use Permit. Gives reasoning behind recommendation for denial.
Commissioners and staff	Discuss the meadow and the Monterey Pine forest being an environmentally sensitive habitat .
Mike Wulkan, staff	Discusses the biology report in regards to resources, setbacks, and mitigations.
Commissioner Christie	Requests clarification regarding the item being appealable to the California Coastal Commission (CCC).
Mike Wulkan, staff	States this determination would not be appealable to the CCC.
Commissioners and staff	Discuss water meters being retired, letter from John Hofschroer. Clarification requested regarding any other official mailings, with staff responding.
Chairman Roos	Discusses a faxed letter received from the McMillan's regarding drainage.
Mark Dimaggio, applicant	States his appreciation for the opportunity to appeal the decision. States he would encourage his appeal be upheld. Introduces his family members. States he is a teacher at Paso Robles High School. Holds his Masters degree in Biology. Mentions this as this decision was biologically based. States he currently owns two ponies and one horse. He would like the animals to be in Cambria. States he made an offer on the property in Cambria, and it was not based on the grand fathered water meter system. Gives his interpretation of retired water meters and parcels. Discusses meeting he had with John Hofschroer, staff regarding his proposal, at which time staff advised his proposal was allowable. He then proceeded with escrow on the property. After escrow closed he was then told his proposal was not allowable. Cites criteria with which he believes the Planning

	Commission should uphold his appeal. Cites proposed uses for the property. Cites why he feels the use of his property is not in the sensitive habitat designation. States boundary of SRA is open to interpretation. Feels it is inappropriate to grant approval, and then deny approval. States the Minor Use Permit and the incurring fees are a financial burden to his family. Reiterates that he would like the appeal upheld.
Commissioners, applicant, staff and Public works	Discuss driveway-grading, berms, and grading permits.
Richard Hawley	Neighbor to the applicant. States he is here to support staff recommendations. States the county put berm in to contain flood waters. States this piece of property is not a meadow, it is ESHA. Cites a "Horse Owners Guide to Water Quality" and gives Commissioners each a copy of such.
Commissioner Gibson	States there are two approaches to take from here. One is to go back and determine where the edge of the sensitive forest is. Two, is to proceed with the issuance of a Minor Use Permit. Suggests the first approach should be applied. Proposes a site visit to the property to see if the biologist has probable cause to require a more extensive evaluation.
Jim Orton, County Counsel	States the Planning Commission needs to figure out where the edge of the ESHA is then determine if a Minor Use Permit is required. Or obtain more information to make that determination.
Chairman Roos	Suggests continuing this item after a biological assessment is made. Would like to see a conditioned project. Would like more definite findings on the project.
Commissioner Gibson and staff	Discuss map line and interpretations thereof.
Commissioner Christie, County Counsel, and staff	Discuss fee waivers.
<b>MOTION</b>	Thereafter motion by Commissioner Gibson, seconded by Commissioner Mehlschau, and carried, to continue this item to the September 22, 2005 Planning Commission meeting.
3. GEORGE NEWMAN, LAND	This being the time set for hearing to consider a request by <b>GEORGE NEWMAN, LAND DEVELOPMENT, LLC (OAK TERRACE)</b> for a Tentative Tract Map 2558 to subdivide a 3.26 acre parcel into fifteen

DEVELOPMEN T, LLC (OAK TERRACE) / S020372T/TR2 558	lots ranging from 6,000 to 7,011 square feet each for the purpose of sale and/or development, and the creation of an on-site road (Oak Terrace Circle). The project includes off-site road improvements to Magenta Lane and Oak Terrace Lane. One onsite underground stormwater basin would be constructed under the cul-de-sac of Oak Terrace Circle, and two off-site stormwater detention basins and associated storm drains would be constructed to the northeast on adjacent property owned by the applicant. The project will result in the disturbance of approximately four acres. The proposed project is within the Commercial Retail and Office and Professional land use category and is located on the north side of Tefft Street, approximately 0.25 mile west of Highway 101, in the community of Nipomo, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Public Services/Utilities, Recreation, Transportation/Circulation, Water. <b>County File No. S020372T/TR2558</b> . APN: 092-572-027, -028. Supervisorial District #4.
Brian Pedrotti, staff	Presents staff report.
Commissioners, Public Works, and staff	Discuss Lot Line Adjustment in progress.
Commissioners and staff	Discuss bus stop fees.
Commissioners and staff	Discuss trees being removed and replaced.
County Counsel, Public Works, and commissioners	Discuss Conditions J & K and new Condition 2B.
<b>MOTION</b>	Thereafter on motion of Commissioner Mehlschau, seconded by Commissioner Christie, and unanimously carried, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and <b>RESOLUTION 2005-035</b> , granting a Tentative Tract Map to <b>George Newman, Land Development, LLC (Oak Terrace)</b> for the above referenced project based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, with the following changes: "Add new d. to number 2. to read: d. Magenta



H-9

	Lane constructed to an 2/3 A-2 urban section and continuing to Tefft Street. Strike 'County Health' in 6. c. and d. add "NCSD/County Health", 30. j. and k. will become new Conditions 34 and 35, and new Condition 36 added to address tree removal mitigation". Adopted.
4. WEST TEFFT, LLC. SUB2004-00134 / Tract 2690	This being the time set for hearing to consider a request by <b>WEST TEFFT, LLC</b> for a Vesting Tentative Tract Map (Tract 2690) and Conditional Use Permit to subdivide an existing 2.85-acre parcel into seven parcels ranging from .07 to 1.5 acres each for the purpose of a mixed-use development plan including retail, office, and residential uses. The division will create two on-site roads. The proposed road names are Blume Street and Tanis Street. The proposed project will result in the disturbance of the entire 2.85-acre parcel. The proposed project is within the Commercial Retail land use category and is located on the south side of West Tefft Street (at 691 West Tefft Street), in the community of Nipomo. The project site is in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Air Quality, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, and Water. <b>County File No. SUB2004-00134 / Tract 2690.</b> APN: 092-130-013. Supervisorial District #4. Date accepted: January 7, 2005. Brian Pedrotti, Project Manager.
Brian Pedrotti, staff	Presents staff report. Discusses Cal Trans letter regarding level of service on Tefft St.
Richard Marshall, Public Works	Summarizes letter he wrote regarding needed improvement for traffic service.
Jim Orton, County Counsel	Requests clarification regarding separate common lot owned by an association. Suggests a condition be added to include this.
Brian Pedrotti, staff	States the ownership of the lot is separate and would need common ownership or homeowners' association ownership. Advises PC that condition 19 has been deleted.
Charles Cebulla, representing applicant	States they met with all committees and staff and have tried to satisfy concerns. Believes this would be a good project. Needs to refer to other members to clarify who owns other parcel.
Don Dessom, Cannon Associates.	States this will be a commonly owned lot, not owned by the homeowners association.
Commissioners	Discuss RTA fees, road fees, and area improvements.

and staff	
<b>MOTION</b>	<p>Thereafter on motion by Commissioner Mehlschau, seconded by Commissioner Christie, and carried, <b>RESOLUTION NO. 2005-036</b> granting a Vesting Tentative Tract Map (Tract 2690) to <b>WEST TEFFT, LLC</b> for the above referenced project based on the Findings in Exhibit A and subject to the Conditions in Exhibit B with the following changes: add "1.5 acres each, with a 1.05 acre common lot that is to be owned by a Home Owners Association or be held in common as undivided interest" to first sentence of Condition No. 1, add a new Condition 26 to read: "<b>Prior to recordation of final map</b>, work with the Regional Transit Authority (RTA) to provide a bus stop or in-lieu fee as determined by the RTA and the Director of Planning and Building", and <b>RESOLUTION 2005-037</b> granting a Conditional Use Permit to <b>WEST TEFFT, LLC</b> for the above referenced project based on the findings in Exhibit C and subject to the Conditions in Exhibit D with the following changes: delete language in Condition 19 and replace language with: "All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance". Adopted</p>
Commissioner Rappa	Applauds applicant for this type of project.
Chuck Stevenson, staff	Extends staff's gratitude as the project exceeds department's expectations.
Chairman Roos	Requests planning area standards be included in staff reports in the future.
Warren Hoag, staff	States our department could have done a better job. States in the future the planning area standards could be submitted to the commissioners as separate text rather than be included in staff reports.
5. CATHY MACGREGOR / DRC2003-00043	<p>This being the time set for hearing to consider a request by <b>CATHY MACGREGOR</b> for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The applicant is not proposing special events. The project will result in the disturbance of approximately one acre of a 24.9 acre parcel. The proposed project is within the Agriculture land use category and is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canvon Road. approximately 2.5 miles south of the City of San</p>

	Luis Obispo, in the San Luis Obispo planning area. <b>County File No: DRC2003-00043.</b> APN: 044-151-009. Supervisorial District: 4. Date Accepted: Not accepted. This project is recommended for denial and is therefore exempt under CEQA.. Brian Pedrotti, Project Manager.
Brian Pedrotti, staff	Presents staff report.
Chairman Roos	States he has met with the agent on-site approximately one year ago. Discusses slope.
Chairman Roos and staff	Discusses engineering solutions
Commissioner Gibson	Would like more detail regarding alternate sightings with staff responding.
Rachel Dumas & Jamie Kirk, agents	"Power Point" presentation given. Finds project is not consistent with the Land Use Ordinance. Video played and presented as part of presentation. Landscaping condition proposed as set forth in handout given. New proposed condition under wastewater suggested.
Cathy Macgregor, applicant	Gives brief family history of farming grapes for wine. States she has been working on project many years and willing to fully cooperate with staff.
Cathy Macgregor, applicant	States she is in the city, and would like the winery on her own land rather than leased office space in the city.
Commissioner Christie	Discusses benefits of project being on applicant's property vs. her leased property in the city.
PUBLIC COMMENT	
Robin Baggett	President of SLO vintners association, owner of Edna Ranch vineyards, & Tolousa Winery. Has opinions on staff members assigned to projects and how they proceed with other project. In support of the MacGregor project.
Charles Yates,	Executive Director of the Templeton Vintners Association. In support of the McGregor project.
Rachel Dumas, Compli	States there are letters in packet in support of project.
Commissioner Christie	Would like it on record that Mr. Baggett's comments regarding staff were inappropriate.
Warren Hoag, staff	States there have been projects that were approved before the SLO area plan update became effective in 1996. Gives examples of previous projects. and objects to the characterization by Mr. Baggett as

11-12

	being a "luck of the draw".
Commissioners, and staff	Discusses highway corridor designs, and ordinances used to abide to the design standards.
Chuck Stevenson, staff	Presents grading plan on the overhead screen. Discusses concerns of landscaping achieving any sort of meaningful screening. States this was discussed with applicant. Discussed the probability of another location for the wine tasting facility in a commercially zoned property adjacent to project. Discusses photo mapping qualifications by qualified personnel rather than video presentation.
Steve McMasters, staff	Discusses consistency of General Plan policies, corridor plan policies, and requirements for a professional visual analysis should this project go forward.
Commissioner Gibson	Feels comfortable that this project falls within the scenic highway corridor standards. Discusses Agriculture viability of parcel. States he is not convinced the landscaping would suffice the visual mitigations. Supports staff's position on this project. Suggests further creative alternatives.
<b>MOTION</b>	Thereafter, on motion by Commissioner Mehlschau, seconded by Commissioner Gibson, and carried, with Chairman Roos voting no, to deny the above referenced item based on the Findings in Exhibit A as presented.
<b>MOTION</b>	Thereafter on motion by Chairman Roos, seconded by Commissioner Gibson, and carried to take into the record all communications/correspondence submitted today.
Adjourned	

Respectfully submitted,  
Ramona Hedges, Secretary Pro Tem  
County Planning Commission